

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

PETER J. ABRUZZO,

Plaintiff,

v.

S&K FAMOUS BRANDS, INC.,

Defendant.

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Civil Action No. 3:08cv646

ANSWER

Plaintiff/Counterclaim defendant Peter J. Abruzzo ("Abruzzo"), by counsel, answers Defendant/Counterclaim plaintiff S&K Famous Brands, Inc.'s ("S&K") Counterclaim as follows:

1. No response is necessary.
2. Admitted. Abruzzo avers that the Consulting Agreement was amended on August 1, 2007 and June 10, 2008.
3. In response to the allegations in paragraph 3, Abruzzo states that the terms of the Consulting Agreement speak for themselves.
4. Abruzzo is without sufficient knowledge or information to admit or deny the allegations in paragraph 4 and consequently denies them. Abruzzo also avers he performed all of his duties under the Consulting Agreement, and S&K never complained about his performance.
5. Abruzzo is without sufficient knowledge or information to admit or deny the allegations in paragraph 5 and consequently denies them.
6. Denied.

7. In response to the allegations in paragraph 7, Abruzzo admits that he met with employees of S&K in April 2008, and that they discussed S&K's men's formal wear business. Abruzzo denies all remaining allegations in paragraph 7.

8. Denied.

9. Admitted.

10. Abruzzo is without sufficient knowledge or information to admit or deny the allegations in paragraph 10 and consequently denies them.

11. Abruzzo is without sufficient knowledge or information to admit or deny the allegations in paragraph 11 and consequently denies them.

12. Denied.

13. Admitted. Abruzzo avers that S&K wrongfully terminated the Consulting Agreement without proper justification or cause.

14. Denied.

15. Abruzzo incorporates his responses to paragraphs 1-14 of the Counterclaim as if set forth fully herein.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Abruzzo incorporates his responses to paragraphs 1-19 of the Counterclaim as if set forth fully herein.

21. The allegations in paragraph 21 are legal conclusions that Abruzzo is not required to admit or deny.

22. Denied.

23. Denied.

24. Denied.

25. All allegations in the Counterclaim not specifically admitted are denied.

FIRST AFFIRMATIVE DEFENSE

26. The Counterclaim fails, in whole or in part, to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

27. Abruzzo performed all of his obligations under the Consulting Agreement and complied with its terms.

THIRD AFFIRMATIVE DEFENSE

28. Abruzzo specifically denies that he committed any of the wrongful acts alleges herein and that S&K has suffered any injury, damage or loss.

FOURTH AFFIRMATIVE DEFENSE

29. Abruzzo reserves the right to assert any and all additional defenses as may be determined during the course of discovery.

WHEREFORE, Peter J. Abruzzo respectfully requests that the Court enter judgment on the Counterclaim in favor of Abruzzo and against S&K, award Abruzzo his costs and fees incurred herein, and grant such further relief as this Court deems just and proper.

PETER J. ABRUZZO

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CERTIFICATE OF SERVICE

I hereby certify that on this **24th** day of November, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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